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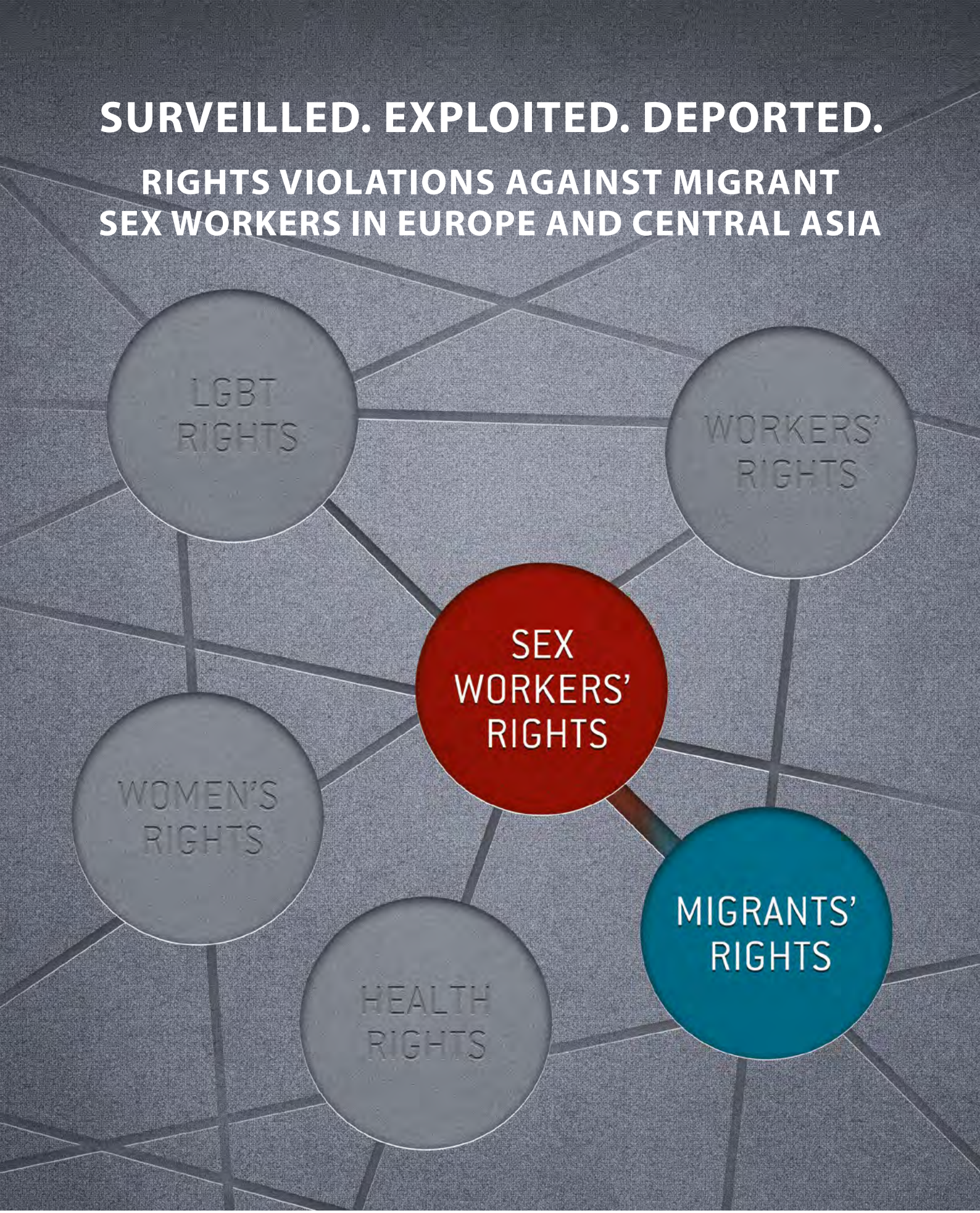
RIGHTS VIOLATIONS AGAINST MIGRANT SEX WORKERS IN EUROPE AND CENTRAL ASIA



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ICRSE
International Committee on the Rights of Sex Workers in Europe
www.sexworkeurope.org

FOR AN INTERSECTIONAL PERSPECTIVE ON SEX WORKERS' RIGHTS

The struggle for sex workers' rights intersects with many other social movements. Contrary to the monolithic abolitionist discourse, which portrays all sex workers as "prostituted women" without agency, our communities are diverse and resilient. Sex workers are male, female and non-binary, LGBTQ, migrants and workers. Supporting sex workers' rights means understanding the diversity and complexity of our lives and involving sex workers from diverse communities in decision making, policy making and debates. This series of briefing papers will give sex workers, activists from other social movements and policy makers the tools to explore the intersection of sex workers' rights with other rights and social struggles such as those connected with LGBT people, women, workers, migrants and health.

ABOUT ICRSE

The International Committee on the Rights of Sex Workers in Europe (ICRSE) is a sex worker-led network representing more than 85 organisations led by or working with sex workers in 30 countries in Europe and Central Asia, as well as 150 individuals including sex workers, academics, trade unionists, human-rights advocates, and women's rights and LGBT rights activists. ICRSE opposes the criminalisation of sex work and calls for the removal of all punitive laws and regulations regarding and related to sex work as a necessary step to ensure that governments uphold the human rights of sex workers. As long as sex work is criminalised – directly or indirectly through laws and practices targeting sex workers, clients, or third parties – sex workers will be at increased risk of violence (including police violence), arrests, blackmail, deportations and other human rights violations.

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Migrant sex workers in Europe and Central Asia often live and work in precarious and dangerous contexts. The reasons for this are the restrictive migration policies, repressive anti-trafficking measures and criminalisation of sex work, all of which contribute to violations of migrant sex workers' rights. This briefing paper explores the diverse experiences and realities of migrant sex workers and the intersection of migrants' rights and sex workers' rights. It also calls upon migrants' rights organisations to build alliance with sex workers and their organisations and actively support sex workers' rights and the decriminalisation of sex work.

INTRODUCTION

Sex workers all over Europe and Central Asia face a constant risk of human rights abuses. The human rights situation of sex workers across the region is exacerbated by increasing social and political conservatism, backlashes against women's rights, and growing governmental efforts to criminalise sex workers, their clients and third parties facilitating or profiting from sex workers' labour.

Over the past decades, sex worker-led groups and other civil society organisations have reported a significant increase in migration and mobility among sex workers to and within Europe. Estimates indicate that in some West-European countries, migrants, often in irregular situations, constitute a significant portion, if not the majority, of sex workers.

The community of migrant sex workers is deeply affected by repressive immigration policies and anti-human trafficking measures implemented in most of the region. Increasing trends to criminalise migration coupled with anti-trafficking policies have significantly contributed to migrant sex workers' vulnerability to abuse, violence and exploitation, and has worsened their working conditions. Repeated police raids and so-called rescue operations in sex work settings continuously undermine sex workers' safety, deprive them of their earnings, force them to work underground, and increase their vulnerability to exploitation. It has also been well-documented that these measures frequently result in migrants' repatriation or deportation.

This report will explore how the criminalisation of migration in contemporary Europe and the common conflation of human trafficking with sex work affect the living and working conditions of migrant sex workers across the region. It will

also demonstrate how these factors often lead to serious violations of migrant sex workers' human rights and heighten their vulnerability to violence and labour exploitation. Furthermore, violations of migrant sex workers' fundamental human rights, such as the right to employment, housing, and health will be analysed through case studies from the European and Central Asian context.

CRIMINALISATION OF MIGRATION IN EUROPE

The history of the European continent is interwoven with internal migration flows, as a result of shifts in economic and geopolitical power between Europe's nation states. However, large-scale immigration into Europe is a relatively recent phenomenon. Larger population movements have mainly occurred in connection to colonial powers losing their colonies in the 1950s and the fall of the Iron Curtain, which led to a large inflow of workers from Central and Eastern Europe. In addition, the 1990s economic boom in Western Europe and Southern European countries, such as Italy, Greece, Spain and Portugal, attracted workers from Latin America and northern Africa. Finally, the 2004 and 2007 enlargements of the European Union (EU) gave further rise to large migration flows from the newly added EU member countries toward the rest of the Union.[1]

Although the media and policy makers often paint a picture of people working in the sex industry moving between countries against their own will, sex workers' mobility and migration follow similar patterns as those of other workers. From the late 1970s, migration within the sex industry in Europe has involved mostly women from South Asian, Latin American and African countries. In the 1990s, after the dissolution of the Soviet Union, the most significant shift was the increased number of sex workers from Central and Eastern Europe migrating to Western European countries, and after the 2004 and 2007 EU enlargements, the same movement continued within the European Union. Consequently, a large number of migrant sex workers in Western European countries are non-EU citizens, primarily from Eastern Europe, the Balkans, Central Asia, Africa, Latin America, and Asian countries.[2] Additionally, research in the recent years found that sex work has increasingly become an income-generating strategy among asylum seekers and refugees fleeing to Europe from Africa, Western and South Asia, the Caucasus, and the Middle East.[3]

It is recognised that the rising influx of migrants to the European region has resulted in the adoption of stricter immigration policies.[4] Border controls have been tightened, conditions of entry have become stricter, capacities for detention and deportation have been expanded, and criminal penalties are increasingly being used for migration offences, such as irregular entry and stay. This criminalisation of migration serves the purpose of keeping irregular migrants out of the 'Fortress Europe'.[5] Recently, the EU has funded surveillance systems and provided financial support to member states at its external borders, such

as Bulgaria and Greece, to fortify their borders. It has also created an agency to coordinate a European-wide team of border guards to patrol EU frontiers.[6]

The criminalisation of migration does not only manifest itself in the marked criminal turn in migration law and policy in Western countries over the past decades, but also in the dominant public discourses in which migrants are pictured as deviants and criminals, and that problematise migration as a constant security threat to Europe. In fact, political and media discourses that associate migrants with security concerns and criminality, have often led to very concrete policy measures in the policing and punishment of irregular migrants. In reality, however, no correlation has been proven between rises in crime and high immigration rates, but rather, it has been established that periods of economic downturns often go hand in hand with a rise in xenophobia and criminalisation discourses and measures.[7]

The increasing use of criminal law in migration management – although its specificities vary between different countries – represents a prohibitionist and securitarian approach to immigration. Another commonality across different legislative frameworks in Europe is that these legal measures mainly target two different areas: the 'crime' of unauthorised (irregular) entry and stay and 'crimes' that are committed by those assisting irregular migrants.

Irregular entry and stay are unlawful in all EU member states. Under EU legislation, member states are required to issue a return decision to any non-EU national in an irregular situation, unless their status is regularised. The Return Directive[8] introduced in 2008 allows the detention of non-EU nationals for up to six months, which can be extended up to 18 months in exceptional circumstances to carry out the removal process. Relevant case law of the European Court of Human Rights (ECtHR) sets safeguards in relation to detention, pointing out that detention should only be considered lawful if removal arrangements are in progress, if other viable alternatives have been examined, and if no criminal process would be initiated to punish irregular entry or stay while the repatriation is underway. However, many member states continue to punish migrants for irregular entry or stay with imprisonment or fines. In Italy, for instance, fines for irregular entry and stay can amount to up to 10,000 euros. For irregular entry, the maximum length of imprisonment ranges from one month in Croatia to three months in Belgium or up to five years in Bulgaria. For irregular stay, it ranges from 60 days in Croatia to up to three years in Cyprus.[9]

Criminalisation also affects anyone who supports migrants, regardless of whether they provide humanitarian support, emergency accommodation, or if they rescued migrants from the sea.[10] The EU Facilitation Directive[11] introduced in 2002 obliges EU member states to punish anyone who intentionally assists a person to irregularly enter or transit through the country. Some EU member states punish the facilitation of entry and stay with fines or imprisonment, others

with both. The maximum fine for facilitating entry and stay is 78,000 euros in the Netherlands. In Spain, the fine for facilitating stay can be up to 100,000 euros. In both the Netherlands and Spain, facilitation of stay is punishable only if the motive is financial gain. In Greece, prison terms for the facilitation of entry can be up to 10 years and in the United Kingdom, prison terms of up to 14 years loom for anyone facilitating entry and stay. Several European countries also punish people providing undocumented migrants with housing free of charge (for example Latvia and Estonia) or offering them humanitarian assistance. Such cases were, for instance, reported in France.[12]

The criminalisation of migration has severe consequences for (undocumented) migrants. As reported by the Fundamental Rights Agency of the European Union, public authorities and service providers are often obliged to report offences of irregular entry or stay to law enforcement agencies, which prevents undocumented migrants from seeking help by various institutions, including social services, healthcare or juridical facilities.[13] Reporting crimes to the police might also involve detection, and the subsequent underreporting leads to high levels of violence targeting undocumented migrants as it allows perpetrators to act with impunity. Furthermore, the use of criminal law to target employers and landlords restricts migrants' access to housing and employment and leaves them vulnerable to exploitation. The criminalisation of migration also brings about abusive detection practices, such as racial and ethnic profiling of irregular migrants by the police, which has led to a significant level of distrust towards law enforcement by migrant communities.

Asylum seekers and refugees in Europe are also increasingly being subjected to human rights violations and rigid policing by state actors and immigration agencies. While accelerating austerity measures, armed conflicts, severe human rights abuses and natural disasters force ever more people to flee their countries of origin and search for shelter in Europe, the region becomes less protective and welcoming. Although the United Nations' Geneva Refugee Convention implemented in 1951[14] and other international treaties impose a legal obligation on states to protect people seeking refuge and asylum, most European countries currently refuse to provide them with comprehensive assistance or even entry. Additionally, laws implemented across European countries subject asylum seekers to various repressive measures. For example, the EU Directive 2005/85 determining duties of asylum seekers, adopted in 2005,[15] obliges people seeking asylum to hand over their identity documents to the authorities and to report to them at a designated time. What is also worth noting, when it comes to asylum seekers, is that authorities have the right to search the person and their belongings at any time without having to provide any specific reason and to record them without their consent. In many European countries, asylum seekers can also face criminal charges for changing their address without authorisation and they are not allowed to access legal employment or engage in any economic activity.[16]

KEY TERMS

Migrants are those people who are moving or have moved across an international border or within a state away from their habitual place of residence.

Undocumented or irregular migrants are those migrants who, for various reasons, do not have a valid permit to stay in the country in which they live or work. They are also described as migrants in irregular situations or migrants of irregular status.

Asylum seekers are those who seek safety from persecution or serious harm in a country other than their own and await a decision on the application for refugee status under relevant international and national instruments.

Refugees are people who owing to a well-founded fear of persecution for reasons of race, religion, nationality, belonging to a particular social group or political opinions, are outside the country of their nationality and unable or unwilling to avail themselves of the protection of that country.

HISTORY OF CONFLATION OF SEX WORK, TRAFFICKING AND MIGRATION

The historical conflation of human trafficking with sex work has framed conceptions and representations of sex work and informed many misguided governmental anti-trafficking policies in Europe and elsewhere. This further complicates the living and working conditions of migrant sex workers across the region, many of whom are already criminalised for irregular entry, stay and work.

The current debates surrounding the global sex industry within international feminist and broader human rights discussions have a long history. Traditionally, two essential 'camps' have been formed that have opposing positions on sex work. Abolitionist radical feminists consider all forms of prostitution as inherently exploitative and degrading to women and characterise prostitution as an abuse of human rights, regardless of whether it is forced or voluntary. Subsequently, they do not recognise sex work as work and reject the very term. The opposing side,

however, holds that sex work is work and that people should have the right to work in the sex industry free of prosecution, especially when faced with limited economic options. As such, feminists in the latter camp who recognise sex work as work argue that governments should eliminate laws that criminalise sex workers, their clients and non-exploitative third parties[17] and should aim at reducing the stigma associated with it. Most argue that it should be regulated according to existing labour law.[18]

While radical feminist campaigns in the 1970s and 1980s were focused on the abolition of prostitution, in the last two decades this has coalesced more around the notion of 'sex trafficking'. The movement has been strategically embracing the 'abolitionist' label in a conscious effort to draw a parallel to the 19th century campaigns to abolish the slave trade. Abolitionist feminists assert that slavery still exists today and was abolished only in a legal sense in the 19th century. The 'abolitionist' reference is also redolent of early 20th century feminists' efforts to eradicate 'white slavery', which brings to mind the first appearance of the 'rescue narrative' that is now used by the neo-abolitionist movement.[19] Perceiving prostitution as an international problem, these early feminists focused their attention and rhetoric on the international 'traffic' of women and girls. 'White slavery' soon became synonymous with all prostitution and a moral crusade begun to abolish prostitution itself. Fuelled by conservative attitudes toward women's sexuality and racist notions of oversexualised black or brown men as traffickers, the movement spoke out against the trafficking of 'white women' from Europe and North America for the purpose of prostitution by immigrant men or men of colour. The moral panic that was spread resulted in laws restricting women's mobility in the name of protection implemented in several countries of the region and in the USA.

The contemporary neo-abolitionist movement has, to a significant degree, managed to limit the understanding of human trafficking in the popular imagination to trafficking specifically for the purpose of sexual exploitation. When people refer to 'trafficking' these days, the image that is frequently conjured up is that of forced labour into prostitution specifically, rather than into agriculture, construction work, domestic service or cockle picking, for example. This blurs the distinctions between forced and voluntary prostitution and conflates migration, sex work and human trafficking in public discourses, policy-making and police practice.[20]

The early 20th century abolitionist movement influenced a series of international laws, such as the Convention for the Suppression of the Traffic in Women and Children (1921)[21] and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).[22] They gained even greater visibility and influence in international policy-making during the 1990s, parallel to the women's rights movement gaining crucial momentum with the Beijing Declaration, a historical resolution adopted by the UN in support of

gender equality. The strengthening of the anti-trafficking framework can also be associated with the growing attention to increasing international migration, the role of organised crime in the clandestine movement of people across borders, and in the wake of panics about massive-scale immigration.

SCOT-PEP
Indoor Sex Workers in Scotland
THE POLICE AND YOUR RIGHTS
We want all indoor sex workers to understand their rights if the police arrive without warning at their door.
This document provides information on your rights when dealing with the police in Scotland. If you have to either parts of the UK then be aware that this information does not apply when working in England, Wales or Northern Ireland.
This advice applies to everyone regardless of your nationality or immigration status.
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Queremos que todos os/as trabalhadores/as do sexo tenham conhecimento dos seus direitos se a polícia bater à porta sem aviso prévio.
Este documento contém informação sobre os seus direitos quando lidar com a polícia na Escócia. Se viajar para outras partes do Reino Unido para trabalhar, lembre-se que esta informação não se aplica na Inglaterra, no País de Gales ou na Irlanda do Norte.
Estes conselhos e informações destinam-se a todos/as, independentemente da sua nacionalidade ou do seu estatuto de imigrante.
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Lucrătorii și Lucrătoarele Sexuale din Locuințe, în Scoția
POLIȚIA ȘI DREPTURILE DUMNEAVOASTRĂ
Dorim ca toți/toate lucrătorii și lucrătoarele sexuale care lucrează în locuințe sau sedii să își înțeleagă drepturile dacă poliția vine la ușă fără preaviz.
Acest document oferă informații despre drepturile dvs. atunci când negociați cu poliția scoțiană. Dacă energeți în alte părți ale Marii Britanii, trebuie să știți că aceste informații nu se aplică dacă lucrați în Anglia, țara Galilor sau Irlanda de Nord.
Aceste sfaturi sunt valabile pentru toată lumea, indiferent de naționalitate sau statutul de migrant.
SCOT-PEP
สิทธิของผู้ค้าประเวณีและเจ้าหน้าที่ตำรวจในสก๊อตแลนด์
เราต้องการให้ผู้ค้าประเวณีทุกคนเข้าใจสิทธิของตนเอง กรณีที่ตำรวจมาถึงหน้าประตู โดยมิได้มีการแจ้งเตือนล่วงหน้า

'Know Your Rights' cards for indoor sex workers in Scotland in Chinese, English, Polish, Portuguese, Romanian and Thai developed the Scottish Prostitutes Education Project (SCOT-PEP).

International policy-makers – in their attempt to react to the global situation – focused their attention on implementing criminal sanctions for human trafficking. Neo-abolitionists were quick to enter into the international arena and managed to successfully shape the anti-trafficking discourses by encouraging policy-makers to focus exclusively on human trafficking for the purpose of sexual exploitation, at the expense of multiple other forms of labour exploitation. They began to advocate for laws that defined even voluntary sex work as trafficking, and the negotiations on international frameworks soon became battlegrounds for the pre-existing sex work debates. Importantly, what was missing in these debates was the crucial attention to the root causes of international migration and trafficking, such as limited economic opportunities and a lack of social services available in poorer countries, as well as the increasing demand for cheap migrant labour in destination countries.

Abolitionists contributed significantly to the UN Trafficking Protocol,[23] the U.S. Trafficking Victims Protection Act of 2000[24] that considered all migrant prostitution, even that which was not coerced, as human trafficking, and several other laws adopted

during U.S. President Bush's administration, which pressured foreign governments and civil society organisations to adopt an anti-prostitution stance and respective measures. Consequently, funding restrictions for those who did not comply with this stance led to the withdrawal of legal, social and HIV-related services for sex workers, the downsizing of programmes with a human rights-based approach to sex work, and the frequent use of neo-abolitionist 'rescue' campaigns on a global level.[25]
This shift in the U.S. remains significant also for other parts of the world as it promotes the export of prostitution-related policies from one country to another. It was also a declared goal of Swedish decision-makers when introducing their client criminalisation model, and marks a shift away from discussing the abolition of prostitution to specifically using anti-trafficking laws and policies to promote abolitionist ideas and interventions.

The neo-abolitionist movement inspired the abolitionist feminist policy, the criminalisation of the purchase, but technically not the sale of sex. This has become colloquially known as the 'Swedish Model', since the policy was first introduced in 1999 in Sweden. It has since been exported in similar forms to several countries and gained increasing popularity as a policy framework across Europe since the early 2000s. However, while these legal 'reform' attempts addressed sex workers' clients, they did little to remove the criminalising provisions that directly affected sex workers. In 2005, Lithuania began to penalise clients, whilst also retaining the penalisation of sex workers. In 2009, both Norway and Iceland adopted laws criminalising the purchase of sex, while simultaneously maintaining other laws, such as strict third-party regulations, which see sex workers being charged with a criminal offence simply for working together for safety reasons. In June 2015, a law intended to fight human trafficking came into force in Northern Ireland, which contained a clause banning the purchase of sexual services. This was despite the fact that academic research commissioned by the Ministry of Justice, carried out and presented to parliament by researchers from Queen's University Belfast ahead of the vote on the bill, had shown that 98 percent of sex workers were against criminalising the purchase of sexual services.[26]

The conflation of sex work and trafficking is also mirrored by several European-level policies, although none of them are legally binding for the member states of the European Union and the Council of Europe. In February 2014, the European Parliament voted in favour of a non-binding resolution on prostitution and sexual exploitation ("Report on sexual exploitation and prostitution and its impact on gender equality" [27]) proposed by MEP Mary Honeyball, that encouraged member states to adopt laws criminalising the purchase of sexual services. The resolution was strongly opposed by the European and global sex workers' movement, hundreds of civil society organisations, as well as academics and researchers.[28]
Similarly, the Parliamentary Assembly of the Council of Europe (PACE) adopted the resolution "Prostitution, trafficking and modern slavery in Europe" in 2014[29], which recommends the introduction and implementation of the Swedish Model, since, according to the report, prohibiting the purchase of sexual services is likely to have

a positive impact on reducing trafficking in human beings. Although member states are not legally obliged to implement these recommendations, these two resolutions and their approaches to sex work conflating it with trafficking underline many governmental efforts to crack down on (migrant) sex work in the name of preventing human trafficking.

THE HUMAN RIGHTS CONSEQUENCES OF FORTRESS EUROPE FOR MIGRANT SEX WORKERS

ACCESS TO EMPLOYMENT AND LABOUR RIGHTS

The right to work and the right to free choice of employment are identified as fundamental human rights guaranteed by legally binding international treaties and national constitutions. In reality, however, repressive immigration policies and restrictive residency and employment regulations adopted in the vast majority of European countries often severely compromise or entirely block migrants' access to formal labour markets and legitimate forms of employment. The EU Employers' Sanctions Directive, for instance, which entered into force in 2009, establishes criminal sanctions for employers (and subcontractors) who hire undocumented workers.[30] Thus, rather than granting migrants in irregular situations a right to enter legitimate employment relationships, legalise their stay, pay taxes and benefit from social security system, the directive leaves undocumented migrants with little choice but to work in the informal sector or underground economy. When faced with a need to secure their income, a significant number of irregular migrants may decide to engage in sex work because it allows for flexible working hours and better pay than few other jobs available to them.

Similarly, in many European countries national laws directly prohibit refugees and asylum seekers to work legally or engage in any economic activities. Usually provided with little or no allowances to cover their subsistence and feed their families, refugees and asylum seekers find themselves forced to agree to low-wage, precarious and often exploitative labour arrangements outside of the formal economy. For some refugees and asylum seekers sex work can be one of very few options to earn their living, especially if they are particularly economically vulnerable or face severe hiring discrimination in 'formal' labour markets, as in the case of women or LGBT refugees.[31] It has been reported, for example, that many Syrian and Afghan male refugees trapped in Greece[32] on their way to Northern Europe due to increased border controls sell sexual services in order to survive.[33]

While many refugees, asylum seekers and undocumented migrants might feel they have little choice but to sell sex due to repressive migration laws, lack of other employment opportunities and poverty, large numbers of people migrate to and across Europe in order to find work in the sex industry. Their migratory projects

might be driven by lack of social and economic opportunities in their home countries; pursuit of financial independence and improvement of their economic situation; will to escape from oppressive family arrangements, patriarchal relations, and trans- or homophobia; the desire for mobility or simple curiosity.[34] As reported by the TAMPEP International Foundation, in 2008, migrant and mobile sex workers accounted for 65 percent of the sex worker population in Western Europe, 16-17 percent in Central Europe, and on average 10 percent in the ten Central and South/Eastern European and Baltic countries that joined the EU in 2004 and 2007.[35] Although the data on migrants in the sex industry in Europe is fragmentary and scarce, it is safe to assume that the number of migrant sex workers in the region is steadily growing. However, this growth hardly ever translates into legal changes facilitating migrants' access to legal and safe employment options in the sex industry.

Although national sex work laws and immigration policies vary significantly across European and Central Asian countries, most of them target migrant sex workers with deportation measures or push them into illegality by other means. In those countries where the provision of sexual services is illegal, for instance in Croatia, Romania, the Russian Federation, and Ukraine, both domestic and migrant sex workers are denied the right to work and subjected to heavy punishment, including deportation in the case of migrant workers. Migrants' involvement in sex work is also prohibited and punished with deportation in Cyprus[36] and Turkey, which have both introduced a regulationist approach to sex work. Not enough with that, migrant sex workers are also being deported from some of the European countries where selling sexual services itself in not a crime. The Finnish Aliens Act introduced in 2004, for instance, allows for the deportation of non-EU nationals if they are merely suspected of working in the sex industry.[37]

Deportations of migrant sex workers are common in those countries that do not recognise sex work as work and therefore as a legitimate form of employment. When caught by the police, migrants working in the sex industry are deported because they are unable to obtain valid work and residence permits, not because they are sex workers. Such cases were reported from Italy and Norway, for instance, where in the late 1990s, several Russian sex workers who were engaging in sex work while on tourist visas were deported on the grounds that they did not have work permits. Interestingly, in 1999, the Norwegian Supreme Court ruled, in a case involving the arrest of a Brazilian sex worker, that since selling sex did not legally constitute work the police could not arrest and expel foreign sex workers for lacking work permits. The country's Immigration Act amended in 2000, however, allows deportation of foreigners from Norway if they disturb public order or are not convincing in their reasons for being in the country.[38] As reported by Amnesty International, this provision is being used extensively to justify the removal of migrant sex workers from Norway.[39] Various non-sex work specific public peace and order laws and administrative by-laws are also being used to justify arrests and deportations of (undocumented) migrant sex workers in other European countries.

Even those countries which have legalised or regulated sex work significantly limit access to legal employment or self-employment in sex work for some categories of migrants. In Austria, for instance, where 95 percent of registered sex workers are migrants, citizens of the European Economic Area (EEA) and EU citizens have full legal access to the labour market, including the sex industry. Non-EEA and EU-citizens who want to work as sex workers in Austria do need a specific visa allowing them to work for only three to six months within a 12-month period. Additionally, in 2012, the Vienna police enforced a law forbidding non-EU nationals with a visa of another EU country to work in Austria as sex workers. Similarly to Austria, the Dutch law regulating sex work renders it impossible for migrants in irregular situations to work, including in the licenced sector of the industry. It also excludes non-EEA and non-EU citizens from access to legal employment, while simultaneously hampering their access to work in the sex industry for some categories of EU citizens: in 2011, the Dutch Tax Office introduced a new rule making it impossible for Romanian and Bulgarian sex workers to work outside of employment relationships (via so-called opting-in regimes).[40] These examples clearly show that while legislation or regulation of sex work allows for legal work of some migrant groups, mainly EEA and EU citizens, it still renders the work of many migrants, especially non-EU citizens and migrants in irregular situations, illegal.

The English Collective of Prostitutes (ECP) protesting against police raids and evictions of migrant sex workers in Soho, London, UK, in 2013; Photo credit: ECP.

When pushed into illegality or to the margins of the legal labour market, migrant sex workers are forced underground into hazardous and unfavourable work conditions. This makes them particularly vulnerable to violence, harassment, and discrimination by clients, the general public and law enforcement agencies. Their undocumented status also renders them prone to abuse in work settings and severe exploitation, as it increases migrant sex workers' dependency on third parties and different

intermediaries, who facilitate their migratory projects and arrange their work upon arrival in the country of destination. This increasing dependency often translates into numerous and frequently arbitrary fees for third party services, exorbitant debts, wage manipulations, violence and unfair workplace practices.

(Undocumented) migrant sex workers' vulnerability to labour exploitation and mistreatment at work also results from the fact that more often than not, they lack access to justice, labour rights and protections commonly awarded to other workers. Migrant sex workers are not granted benefits such as sick leave, parental leave, accident compensations, pension benefits, or disability allowances. Most importantly, they are also deprived of the rights to unionise, bargain collectively or redress when suffering exploitation or abuse in the workplace. In summary, migrant sex workers have little or no power to demand and negotiate better working conditions and more favourable labour arrangements with the third parties they cooperate with, and while many state and non-state actors across Europe declare their desire to tackle migrant sex workers' vulnerability to exploitation by implementing anti-trafficking policies, little is done to effectively support migrant sex workers through legal recognition and access to labour rights. On the contrary, they are often threatened with arrest and deportation if they try challenge or report exploitation at their work places but refuse to identify themselves as victims of trafficking or fail to meet the respective trafficking victim criteria in any given country.[41]

CASE STUDY: OPERATION NEXUS IN THE UK

Operation Nexus is a joint operation between police forces and the Home Office's Immigration Enforcement Directorate initiated in the UK in 2012. It aims at targeting and deporting from the UK foreign national offenders and migrants suspected of breaking the law. The lawfulness of Operation Nexus has been repeatedly questioned by human rights organisations since it allows for arbitrary deportations of people living legally in the country and having no prior convictions, without permitting them access to a fair trial. It has also been criticised for targeting the most vulnerable and marginalised migrant populations.[42]

One of the groups that have been particularly affected by Operation Nexus are migrants working in the sex industry, especially those coming from Central and Eastern Europe. Following anti-trafficking police raids on sex work venues and

arrests, many of them received deportation papers giving them one month to leave the country. Although selling sex is not illegal in the UK, these decisions over their deportation was justified by the claim that engagement in sex work cannot be considered as legitimate employment.[43]

Several Romanian sex workers, therefore EU citizens, supported by the English Collective of Prostitutes (ECP) decided to challenge this controversial deportation policy, pointing to previous rulings of the European Court of Justice (ECJ), including the famous case of Jany brought by Czech and Polish sex workers operating in the Netherlands,[44] which recognised that self-employment in sex work represents legitimate grounds to have the right to legally reside in the country.

ACCESS TO HOUSING

Although all people have the fundamental human right to housing, which should ensure their access to an appropriate, secure, affordable, and sustainable home with freedom from forced eviction, sex workers of all backgrounds are often excluded from accessing that right. This derives from the stigma associated with sex work, which leads to high levels of discrimination from house owners and real estate companies as well as state-run and NGO shelter providers, but also from laws and policies that criminalise sex workers or third parties renting premises for the purpose of sex work. Migrant sex workers face further barriers to securing accommodation due to xenophobia, lower bargaining power, and in case of undocumented workers, their lack of residence status and inadequate financial resources as the result of being unable to work legally.

While there is a considerable lack of data on homelessness at a European level and countries often define homelessness in inconsistent ways,[45] it is reported that the number of people experiencing homelessness has increased in most EU member states, with some seeing increases of over 10 percent over recent years.[46] According to several international and regional human rights instruments, the right to housing should be applicable to all persons regardless of nationality or legal status.[47] In reality, however, there is evidence that migrants may experience homelessness at heightened rates which directly reflects the limited access they have to legal, economic and social rights and the many barriers they face to welfare, health, social housing benefits.

Statistics show considerable disparities between migrants and non-migrants and majority and minority populations with respect to housing. For instance, Black British people are overrepresented among the homeless people helped under English homelessness laws (14 percent of people in the system, 3.5 percent of the total population). New migrants, including migrants from Eastern and Central Europe, sometimes appear to be heavily represented among people living rough in major cities of northern EU countries[48], e.g. in Berlin, Dublin, London and Paris. In Finland, which reports a general decrease in homelessness, young people and immigrants face particular problems finding affordable housing, and as a result, their homeless numbers have increased: homeless migrants made up 26 percent of the homeless population in 2013, compared to 5 percent of the general population. Since 2009, there has been an increase of a staggering 273 percent in the levels of migrant homelessness in the country.[49]

France has also seen marked increases in migrants' homelessness from 38 percent in 2001 to 52 percent in 2012, although the proportion of undocumented migrants is unknown. Rates are higher in Paris than elsewhere in France; in some districts, 40 percent of young homeless people are from Eastern Europe. It is also important to note that French homelessness services can be open to non-European migrant groups, which is not the case in some other countries, such as the UK.[50]

Undocumented migrants' living arrangements are heavily impacted by immigration control measures.[51] In most cases, they are excluded from state-subsidised housing, publicly-funded homeless services and emergency accommodation, and face additional obstacles in the private market. As facilitating irregular entry and irregular stay is considered a criminal offence in most member states, lessors, real estate agents and managers of emergency or temporary accommodation services are often required to check the residence status of migrants applying for housing. If the tenant does not have a valid residence permit, their application would most probably be rejected or they might face eviction. The undocumented status also renders migrants prone to exploitation with respect to housing: aware of migrants' vulnerable and precarious position, lessors can exploit their migrant tenants by providing overpriced and poor housing conditions. The latter poses significant financial burdens upon migrants in irregular situations as they commonly work in the informal sector or underground economy for low wages and with their undocumented status preventing them from accessing complaint mechanisms. The insecure nature of undocumented migrants' housing situation can often adversely impact their attempts to legalise their stay in the host country, as migrants are generally required to show a fixed address, which may be checked at any time during the consideration of their application.

(Undocumented) migrant sex workers find themselves in a complex web of anti-sex work and anti-immigration policies that violate their right to housing and expose them to exploitation. Not only are they affected by the above-described trends that

make it close to impossible for (undocumented) migrants to find accommodation, but they are also hit hard by anti-trafficking and anti-sex work measures. Due to the economic, legal and social exclusion migrant sex workers face, many of them decide to live together and share costs associated with housing. This is often erroneously interpreted by police and immigration authorities as a sign of coercive third party relationships or trafficking. Their response is to carry out investigations and raids, which can lead to the disruption of workplaces and homes, and in the case of undocumented migrants, even to deportations. In a lot of instances when anti brothel-keeping laws are in place in a country, sex workers working together for safety can even be accused of trafficking.

The inadequate access to housing exacerbates the risks of exploitation for migrant sex workers. As they are discriminated against in the housing market due to xenophobia and racism or because they may lack the necessary skills and knowledge to negotiate, they are more likely to rely on the assistance of facilitators and different intermediaries. Those, in turn, recognising sex workers' desperate situation and their lack of state protection from discrimination, might seek to exploit sex workers by offering overpriced residences. In a more fortunate scenario, fellow sex workers may provide help for newly arriving migrant sex workers in irregular situations, but this can also be interpreted by law enforcement as facilitation of irregular entry or stay, which represents an act punishable by criminal law.

The lack of safe housing has severe implications for migrant sex workers' safety, health and wellbeing. Those who stay in detention centres, low-income or transitional housing environments, such as shelters, face strict enforcement of curfews and guest policies. These force sex workers to accept risky clients to meet curfew, or work outdoors where their ability to negotiate safety and condom use is limited. Additionally, sex workers who are staying in these settings might focus their attention to the more immediate concerns of food and housing instead of concerns of their sexual health.

Migrant sex workers might use several strategies to find alternative temporary or permanent housing alternatives, but these can lead to the decrease of their independence, safety and wellbeing. While some sex workers consider living in the same venue they work in as a way to save time and money, others dislike doing so as they consider this arrangement an obstacle to separating their private and professional lives. In Germany, for instance, many migrant sex workers are reported to be living at the brothels they work at as they cannot find other accommodation, and even if they want to quit sex work, they continue to stay in the industry as they do not have access to other options for housing. Once the new 'Prostitutes Protection Law' will enter into force in 2017, brothels and other premises will be prohibited to allow sex workers to reside in their establishments,[52] which will further exacerbate migrant workers' housing conditions. Without other housing alternatives, sex workers might choose to stay at their customers' houses, which in turn would render them extremely vulnerable and thus negatively affect their independence.

CASE STUDY: OPERATION HOMELESS IN NORWAY

Between 2007 and 2011, the Norwegian government initiated the systematic eviction of many sex workers from their workplaces or homes as part of its Operation Homeless. It is estimated that around 400 apartments that were used for sex work were closed by the police in Oslo between 2007 and 2014, but evictions continue to impact primarily migrant women, among them Thai sex workers (with Norwegian citizenship) and women of Nigerian origin, not just in Oslo but in other parts of Norway as well.

Operation Homeless served the purpose of the enforcement of the law that prescribes the prosecution of letting premises for prostitution. Although the act of selling sex is not a crime in Norway, the operation made the eviction of sex workers from locations where they sell sex a high policing priority. The police identified locations where they believed sex was being sold, alerted lessors and recommended that they evict sex workers to avoid prosecution.

Amnesty International reports that as a result of the operation, police surveillance of sex worker communities became an everyday practice.[53] Police contacted sex workers through advertisements and posed as potential customers in order to ascertain their address and then visited their homes or premises or waited outside to carry out surveillance. Additionally, police stopped women in the street to carry out document checks and asked for their addresses. If women refused to give their address for fear of subsequent eviction or other police actions, they could be fined. Sex workers were also identified by police following the reporting of crimes and domestic disturbances, including reports by sex workers of crimes against them.

ACCESS TO HEALTH

Sex workers in Europe face severe challenges in accessing and receiving healthcare services. Criminalisation of sex work, repressive policing, overall stigma and discrimination experiences in healthcare settings are some of the factors effectively deterring sex workers from seeking and obtaining medical help. As in the case of housing and other civil and social entitlements, the accessibility and availability of healthcare services and professional medical help across the European region is particularly limited for migrant sex workers, especially if they are in irregular situations. As reported by the Platform for International Cooperation on Undocumented Migrants (PICUM) in 2016, access to basic healthcare for undocumented migrants and non-EU citizens is the exception rather than the rule in the majority of European countries.[54] This also holds true for migrant sex workers whose ability to enjoy their right to health is significantly limited by multiple mechanisms of exclusion enshrined in national sex work laws and immigration policies.

Legislative frameworks defining migrants' and non-nationals' legal entitlements to health vary across the European region. In many European countries, including EU and non-EU states, access to public healthcare services depends on a person's citizenship status, possession of residence permit or medical insurance, all of which are directly or indirectly bound to one's employment status, employment relationship or the ability to prove a legitimate source of income. Migrant sex workers often face severe problems when trying to fulfil these conditions, since in the majority of European countries sex work is not recognised as part of the formal labour market or a form of (self-) employment. This means that migrants working in the sex industry are frequently deprived of any legal means to apply for residence or work permits, which would grant them or at least facilitate their access to healthcare services.[55]

Repressive laws governing sex work paired with anti-immigration policies push many migrant sex workers into irregular migration situations which highly affects the range of health services available to them in their respective host country. The scope of health services granted to migrants in irregular situations is defined by national legislations. In all EU member states, irregular migrants, including undocumented migrant sex workers, are entitled by law to emergency care, which includes life-saving measures and medical treatment necessary to prevent serious damage to one's health. However, in several countries, including Greece, Hungary, Poland or Sweden, undocumented migrants have to cover the costs of emergency care themselves and at times, healthcare providers might require pre-treatment verification of an individual's ability to pay. In many EU countries, undocumented migrants' entitlements are limited to emergency interventions and only ten member states grant irregular migrants access to primary and secondary healthcare, including services by general practitioners or medical treatment provided by specialists and in-patient care. However, in the vast majority of these countries the accessibility of primary and secondary healthcare services is

significantly limited and hinges on conditions. In Germany, Ireland and the UK, for instance, those healthcare services are only available to undocumented migrants against payment. In France and Spain they are available free of charge to those migrants who can provide a proof of identity and fixed address (or a so-called 'habitual residence').[56]

Members of Chinese sex worker collective in France, Les Roses D'Acier (Steel Roses), participating in a demonstration against criminalisation of sex workers' clients in France, Paris, 2015; Photo credit: afp.com/Thomas Samson

The restrictive character of national laws regarding undocumented migrants' access to health services severely undermines migrant sex workers' ability to obtain medical help in mainstream healthcare settings. It makes access to emergency, primary and secondary care highly conditional and in most cases very costly. Only in four EU member states, i.e. Belgium, France, Italy and Spain, can migrants in irregular situations, including migrant sex workers, enjoy full access to all services offered by the public health system free of charge once they demonstrate they lack financial means to cover the necessary treatment or care. In all the other countries of the region, migrant sex workers are, as mentioned above, forced to fully cover healthcare services out of pocket or by paying for private insurances. The high costs of healthcare often lead undocumented migrant sex workers to avoid healthcare services altogether or delay seeking treatment to which they might be legally entitled to.

Undocumented migrant sex workers' access to healthcare is also severely restricted due to fear of being detected and deported once they approach public healthcare facilities or healthcare providers. Several reports have found that migrants in irregular situations tend not to access health centres and healthcare services because they are afraid of being reported to the police or immigration authorities.[57] This fear has solid legal grounds in several European countries that have introduced policies requiring healthcare providers or authorities in charge of

healthcare administration to report migrants in irregular situations to immigration enforcement bodies. The Irish Immigration Act of 2003 obliges public authorities, including healthcare providers, to share information concerning migrants and non-nationals for the purpose of implementing the law on entry and removal. In Germany, welfare workers supporting undocumented migrants receiving non-emergency healthcare are required to report any status of administrative irregularities. An attempt to impose an obligation on healthcare providers to report undocumented migrants to immigration authorities was also made in Italy in 2009. However, given the strong opposition from non-governmental organisations and medical professionals and thanks to their vocal campaign, 'Forbidden to report: We are doctors and nurses, not spies!', the proposal was eventually rejected.[58]

When access to health is being used or might be used as an instrument of migration control, sex workers in irregular migrant situations become very reluctant to visit both mainstream and non-state-run healthcare facilities. In consequence, many undocumented migrant sex workers seek medical help only in the event of serious health conditions or in emergencies. This significantly undermines migrants' health and safety and can thus endanger their lives, if they are suffering from serious medical conditions. Additionally, real or perceived fears of arrest and deportation upon visits in medical settings deter undocumented migrant sex workers from reaching out to healthcare services provided by non-governmental and community-led organisations. This contributes to their increased marginalisation and isolation and deprives them of various forms of support, including social and educational support offered by their peers and civil society organisations.

Even if the abovementioned barriers are overcome, the accessibility of healthcare services to migrant sex workers continues to be undermined by language or cultural barriers in admission to the healthcare system. Migrant sex workers in many European and Central Asian countries face severe barriers in accessing medical facilities and services due to a lack of culturally respectful services, including informational and educational materials in multiple languages, multicultural personnel in public health care settings, or cultural mediators facilitating contact between migrant sex workers and medical personnel.

CASE STUDY: INTERNAL MIGRANTS IN POST-SOVIET COUNTRIES

(Undocumented) international migrant sex workers are not the only ones structurally excluded from the public healthcare system in the European region. It has been reported that in many Eastern European and Central Asian countries, sex workers who are

internal migrants – those who migrate from one administrative division of their home country to another in order to find better and safer work opportunities in settings where they are less likely to be identified by relatives and acquaintances – also face severe problems when attempting to access healthcare services. Their access to medical services is hampered by legal regulations granting citizens inclusion within the public healthcare system on the basis of their official residence in a particular administrative division ('oblast') or city of the country.

Internal migrant sex workers usually face problems when attempting to legalise their stay due to restrictions binding their registration to their employment status, unstable economic situations, or a lack of identity documents necessary to obtain a residence permit, which are often confiscated by representatives of law enforcement agencies during police raids or imprisonment. In the Russian Federation, unregistered internal migrant sex workers living with HIV would typically be denied long-term and even short-term treatment, e.g. for the purpose of preventing mother-to-child transmission in case of pregnancy. Instead, they are relegated to their city or province of origin to receive antiretroviral therapy and other health care services there. Access to the mainstream public healthcare system for sex workers without identity documents is largely nonexistence in all post-Soviet countries.[59]

VIOLENCE

High levels of violence experienced by sex workers globally and in Europe have been well-documented by researchers, international bodies, human rights organisations and sex workers' groups. It is estimated that globally, sex workers have a 45 to 75 percent lifetime prevalence of workplace violence and a 32 to 55 percent chance of experiencing sexualised violence in any given year, mainly due to high levels of stigma and criminalisation.[60] Sex workers are not only vulnerable to violence by clients or people posing as clients but frequently also from private individuals, the police, immigration officials, and the judiciary.

Violent acts, such as murders, rapes, threats, extortions, physical assaults or emotional abuse, are the most visible manifestations of oppression against sex workers. However, these acts would not occur on an everyday basis without the existence and dominance of historically rooted social representations of sex workers as morally inferior, anti-social, vectors of sexually transmitted infections, or victims of male dominance.[61] These omnipresent misrepresentations of sex workers by policymakers, the media and neo-abolitionist radical feminists directly contribute to the justification of committing violence against them, as they give perpetrators the feeling of impunity and fuel discriminatory and violent attitudes and mistreatment of sex workers in all spheres of life, from employment to healthcare.

Migrant sex workers are further burdened by intersectional stigma and violence. Not only are they often reduced to their sexuality and associated with images of being immoral, endangering national economies, posing a threat to social order, moral values or public health, but they are also linked to criminality due to migrants' irregular status. Mass media, politicians and police often refer to 'illegal migrants' in their discourse, a misleading collective category that renders a criminal status to individuals who lack the proper documentation to authorise their presence in a country. Frequently, mainstream media outlets also use abusive language in their reports about migrant sex workers. Die Welt, for instance, a major German online news portal, describes sex workers of Bulgarian and Romanian origin as follows: "These women, mainly Southeast-European migrants, don't behave normal at all. At the red traffic light, they tear up doors of waiting cars and encourage drivers to buy sex with vulgar words. Occasionally, they show their intimate areas along the roadside. Anyone who dares to walk there is abused and threatened. And all around are garbage piles of condoms, handkerchiefs and food rest."[62] The connotations created by this categorisation of being illegal and the widespread stigmatising language in the media lay the foundation for anti-migrant public discourses, hostile public opinions, and the widespread use of hate speech, which all have increased significantly with the marked increase of asylum seekers and migrants entering Europe.[63]

The rise of racism and anti-migrant sentiments in Europe often goes hand in hand with state attempts to curb migrant sex work through repressive anti-trafficking policies and sex work legislation. In Sweden, the proposal of the client criminalisation model was preceded by significant negative shifts in the public attitude towards migration as a result of growing numbers of Eastern and Central European migrant women in the country and xenophobic panic surrounding Sweden's migrant alleged drug use.[64] In Germany, where, similarly to other European countries, far-right wing parties have rapidly gained power in recent state elections, the abovementioned 'Prostitutes Protection Law' passed the last procedural hurdle in the Upper parliament. Once it enters into force, it will introduce punitive measures for sex workers and force them to register and undergo regular counselling in the name of preventing human trafficking.[65]

The criminalised nature of the sex industry and the prevalent restrictions on irregular and undocumented immigration create situations for migrant sex workers that lead to police surveillance, raids, detention, and arbitrary deportations.
Police raids - frequently accompanied by surveillance, racial profiling, police extortion, and regular control of migrant sex workers - are often considered as tools helping to identify trafficked persons in the sex industry. In reality, however, there is no evidence that these are effective means of locating and supporting trafficked persons. On the contrary, crackdowns have time and time again failed to find anyone forced into prostitution.[66] In London's Soho and Chinatown districts, for instance, police carried out repeated raids without identifying any trafficked persons whatsoever.[67] In 2009, during "the largest ever police crackdown on human trafficking", which was carried out by 55 police forces in England, Wales, Scotland and Northern Ireland, together with various state agencies and NGOs, 822 brothels, flats and massage parlours were raided over a six-month period. The operation "failed to find a single person who had forced anybody into prostitution." [68]

Protest against anti-trafficking police raids in Central London, UK, organised by English Collective of Prostitutes (ECP) and Sex Workers' Open University (SWOU) in 2016; Photo credit: Theo McInnes.

As anti-trafficking strategies in many countries focus on the prosecution of traffickers rather than offering rights-based, survivor-centred victim support, police raids have severe human rights consequences for sex workers and trafficked persons alike. Unexpected raids often cause trauma and an inability to continue working, and for undocumented workers, they frequently lead to detention and deportation. On many occasions, there is no mechanism available for trafficked persons that guarantees the return of their property or compensation for human rights violations committed against them.[69] Evidence also shows that police raid and rescue operations often result in migrant sex workers having to work clandestinely, rendering them particularly vulnerable to exploitation and abuse.[70] In recent years, administrative detention and deportation

have become primary tools in European governments' fight against irregular migration. Not only are detention conditions for foreigners often described as being of a lower standard than other penal institutions, but abuse, physical and sexual assault and even torture have also been frequently reported along with high rates of suicidal thoughts and depression among detained migrants forcibly held in these settings. Similarly to prisons, detention centres also face serious overcrowding and often do not provide sufficient access to food and drinking water and lack appropriate sanitary conditions.[71]

Although there is insufficient data available about migrants' experiences of violence while in detention, several reports confirm that once detained, refugees, asylum seekers and undocumented migrants, among them sex workers, are at heightened risk of sexualised and gender-based violence. According to estimates, since their arrival in Europe, around 70 percent of female migrants have been subjected to sexual violence.[72] In a third of the incidents, the perpetrators were European professionals (within shelters, law enforcement agencies etc.) or nationals.[73] A high prevalence of sexual assault and intimidating behaviour by detention personnel has also been documented to occur in several detention centres across Europe.

Deportations of sex workers often expose them to further criminalisation and violence in their country of origin. Not only do sex workers in some instances face public humiliation for "involvement ...in social crimes such as prostitution abroad", but they also commonly experience gender-based violence, regardless if they were deported as trafficked persons or as 'criminals' for violating immigration laws.[74] Even if sex workers were categorised as trafficked persons in the country that deported them, many continue to sell sex as returnees due to the delays in receiving financial reintegration support. Furthermore, sex workers might face robberies, rapes, and physical violence upon arrival, and if they continue to work as sex workers, they may face criminal charges if sex work is illegal in the respective country.[75]

A group particularly vulnerable to violence are LGBT migrants. Reliable information about their situation is scarce, however. As mainstream anti-trafficking discourses frequently define trafficking as if it were happening to cisgender women exclusively, migrant male and trans sex workers are usually not regarded as trafficked persons but rather as people who decided to travel to engage in sex work. This skewed view of 'sex trafficking' reinforces heteronormative expectations about gender according to which women are 'naturally' sexual objects and victims lacking agency.
The income gap between origin and destination countries, institutional persecution, high levels of homo- and transphobia, and the threat of direct violence against LGBT people are common reasons to migrate to places with greater recognition and protection of LGBT rights, as well as with greater economic opportunities available. Due to sometimes limited access to other forms of employment, language barriers, and often little or no access to benefits, many

may turn to sex work as a viable economic option. The high proportion of migrant LGBT sex workers in the community has been confirmed in many contexts, e.g. in Germany where up to 90 percent of currently active male sex workers are estimated to be migrants, most of them of Roma ethnicity.[76]

CASE STUDY: MIGRANT TRANS SEX WORKERS IN EUROPE

The Trans Murder Monitoring (TMM) project, run by Transgender Europe (TGEU), records and analyses the murders of trans people all across the globe. It has been documented by the initiative that migrants constitute a high number of murdered trans people in Europe. In the four Southern European countries, i.e. France, Italy, Portugal, and Spain, to which the highest number of trans people from Africa and Central and South America migrate, 30 out of the 44 trans people murdered were migrants (68 percent). The analysis further shows that most of the murdered migrants in Europe came from Brazil. In Italy alone, 15 out of all murdered trans migrants were from Brazil.

In Europe, the high percentage of sex workers among murdered trans people whose profession is known (86 percent) is also shaped by those countries with the highest absolute numbers, i.e. Turkey (90 percent) and Italy (83 percent). The highest percentage of migrant sex workers amongst the victims has been found in Italy (93 percent). This result points to the intersection of multiple forms of discrimination, namely transphobia, xenophobia, racism, and whorephobia.[77]

7 STEPS TO MAKE MIGRANTS' RIGHTS ORGANISATIONS SEX WORKER INCLUSIVE

In sex workers' struggle for recognition and justice, it is crucial to link the decriminalisation of sex work with anti-racist, anti-xenophobic, anti-homo- and transphobic demands to challenge the system of increasing control and policing by the state in Europe. In the face of growing anti-sex work efforts, xenophobia and a backlash against LGBT rights in many localities, ICRSE calls upon migrants' rights organisations to support the sex worker movement by speaking up for the decriminalisation of sex work and being more intersectional and inclusive of sex workers.

1. **Reach out to and establish contacts with local sex workers, sex worker groups and organisations in order to identify common issues and assess the situation of sex workers.**

2. **Empower sex workers to be more visible within your community by encouraging their participation in your protests, marches and key events, such as International Women's Day or during 16 Days of Activism Against Gender-Based Violence.**

3. **Raise awareness within the migrant community and in your advocacy activities on the human rights issues faced by (undocumented) migrant sex workers.**

4. **Take a sex worker inclusive approach when developing or implementing projects, e.g. partner with sex worker organisations to have solid plans in place to reach out to and involve sex workers in the planning and execution of activities**

5. **Engage in campaigns and policy discussions relevant to the issues of sex workers.**

6. **Call other feminist and women's rights organisations for an intersectional, trans and sex worker inclusive approach.**

7. **Speak out for the full decriminalisation of sex work, highlighting the precarious situation sex workers of all genders live in.**

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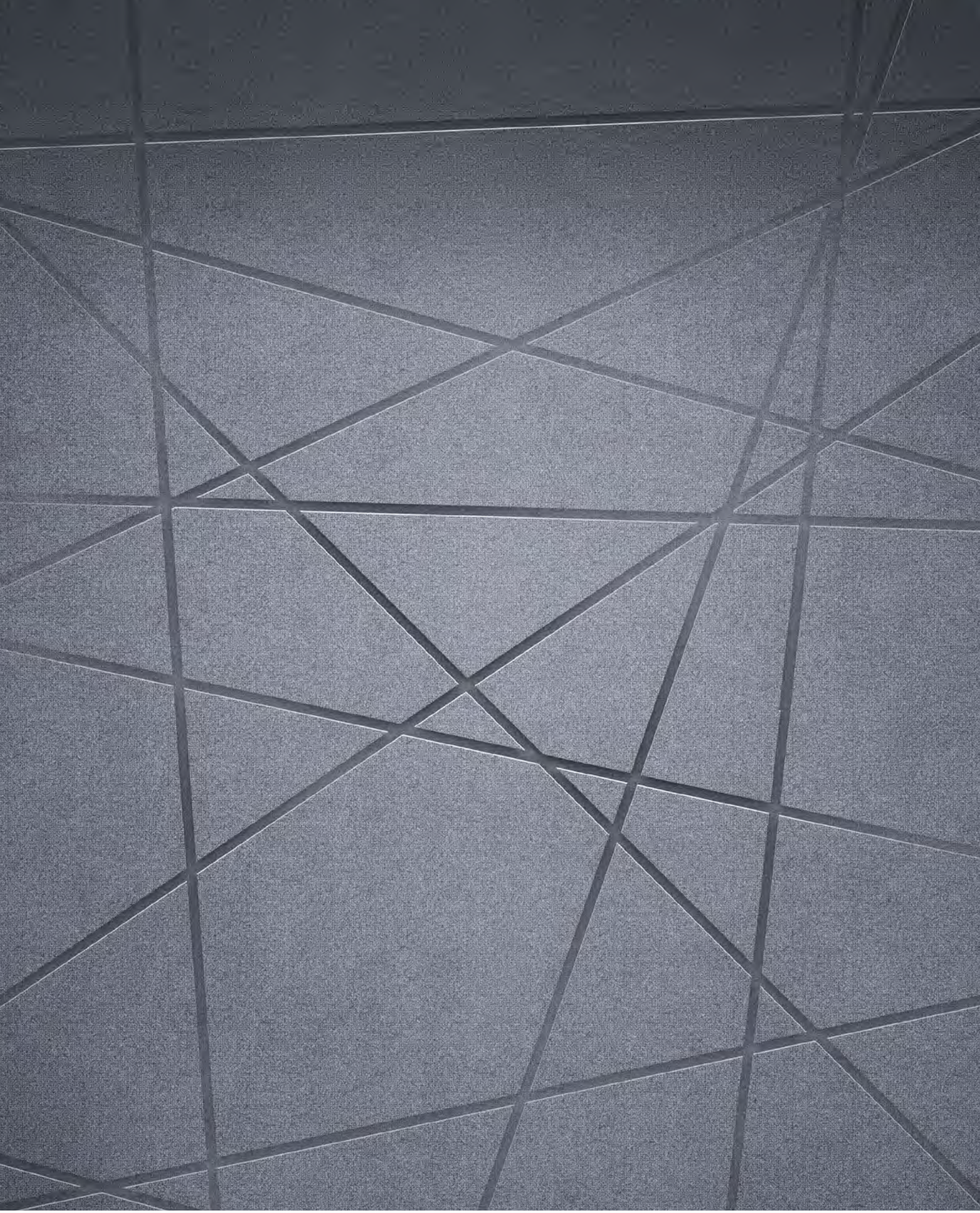

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